

2006 APR 27 P 12: 23



**Agenda
City Council "B" Session
Municipal Plaza Building
City Hall Complex
103 S. Main Ave.
San Antonio, Texas 78205
May 3, 2006**

The City Council of San Antonio will convene in the "B" Room of the Municipal Plaza Building, 103 S. Main Ave, San Antonio, Texas 78205 at 3:00 P.M. Wednesday, May 3, 2006 for the following purposes:

1. Presentation and discussion on proposed amendments to Chapter 35 of the Unified Development Code regarding formula restaurants. [Presented by Malcolm Matthews, Director, Parks and Recreation Department]

The City Council may meet in executive session on any item on this agenda for consultation concerning attorney-client matters (real estate, litigation, contracts, personnel and security) under Chapter 551 of the Texas Government Code.

Questions regarding this agenda notice should be directed to the City Agenda Coordinator at 207-7080.

DISABILITY ACCESS STATEMENT

This meeting is wheelchair accessible. The accessible entrance is located at 103 S. Main Ave. Accessible parking spaces are located at City Hall, 100 Military Plaza.

**CITY OF SAN ANTONIO
PARKS AND RECREATION DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

**"B" SESSION
ITEM NO. 1**

TO: Sheryl Sculley, City Manager

FROM: Malcolm Matthews, Director, Parks and Recreation Department

SUBJECT: "B" Session: Formula Restaurant Amendment to the Unified Development Code

DATE: May 3, 2006

SUMMARY

Staff will provide a presentation on proposed amendments to be made to Chapter 35 of the Unified Development Code. Proposed amendments will:

- provide provisions in the RIO-1, RIO-2, RIO-3, RIO-4, RIO-5, and RIO-6 River Improvement Overlay Districts addressing "formula restaurants"
- provide limitations on the size of certain food service establishments
- add a definition of "formula restaurants"

BACKGROUND INFORMATION

Mayor and Council have expressed desire to provide additional measures to protect the ambiance of the San Antonio Riverwalk in response to the possibility that additional locations will be converted to chain "formula" restaurants. These amendments will ensure that new development and businesses continue to enhance the character and history of this vital resource.

River Improvement Overlay (RIO) Districts were created in 2002 to establish regulations to protect, preserve, and enhance the San Antonio River and its improvements and surrounding neighborhoods. RIO Districts were created covering six geographic areas spanning approximately twelve miles from Hildebrand Avenue on the north to near Mission Espada at the City's southern boundary. RIO Districts established design standards and guidelines for development in each District to promote integration of street and river levels and prevent negative impacts of incompatible development.

The Unified Development Code does not currently provide a means to address the potential for additional growth of chain "formula" restaurants. Escalation of formula restaurants along the Riverwalk has prompted the need for action regarding the protection of the character of the existing and future Riverwalk/San Antonio River.

POLICY ANALYSIS

These amendments are consistent with the City's policy of planning for land use and the development of capital resources and services.

FISCAL IMPACT

There is no direct cost obligation associated with adoption of these amendments.

COORDINATION

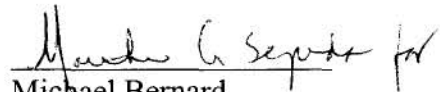
These amendments were developed collaboratively by the City Attorney's Office, Parks and Recreation Department, Development Services Department, and Planning Department. Presentations were made to the Zoning Commission on April 18, 2006 and to the Historic & Design Review Commission on April 19, 2006. Staff has met with the leadership of the San Antonio Restaurant Association and will meet with the leadership of the Paseo Del Rio Association prior to the "B" Session presentation.

SUPPLEMENTARY COMMENTS

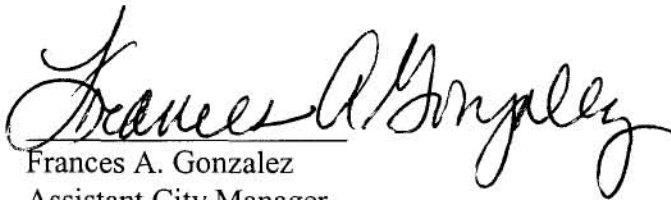
A public hearing and formal consideration of these amendments by the Zoning Commission is scheduled for May 2, 2006. A City Council Public Hearing and Council Consideration are scheduled for May 18, 2006.



Malcolm Matthews
Director of Parks and Recreation



Michael Bernard
City Attorney



Frances A. Gonzalez
Assistant City Manager

Approved for Council Consideration:



Sheryl Sculley
City Manager

**Unified Development Code Amendments
Addressing Formula Restaurants in
River Improvement Overlay (RIO) Districts**

City Council "B" Session
May 3, 2006

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Summary

- Mayor and Council have expressed desire to provide additional measures to protect the ambiance of the San Antonio Riverwalk, based upon continued growth in the number of chain "formula" restaurants
- Staff is recommending these amendments to ensure that new development and businesses continue to enhance the character and history of this vital resource
- Proposed Amendments will be made to Chapter 35 of the Unified Development Code

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Proposed Amendments

- Provide provisions in the RIO-1, RIO-2, RIO-3, RIO-4, RIO-5, and RIO-6 River Improvement Overlay Districts addressing “formula restaurants”
- Providing limitations on the size of certain restaurants
- Add a definition of “formula restaurants”

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Background

- River Improvement Overlay (RIO) Districts were created in 2002
- RIO Districts established regulations to protect, preserve, and enhance the San Antonio River and its improvements
- RIO Districts established design standards and guidelines
- RIO Districts promote integration of street and river levels and prevent negative impacts of incompatible development

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Background

- RIO Districts were created covering six geographic areas spanning from near Hildebrand Avenue on the north to near Mission Espada at the City's southern Boundary, approximately twelve miles
- Escalation of formula restaurants along the Riverwalk has prompted the need for action regarding the protection of the character of the existing and future Riverwalk/San Antonio River

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River Improvement Overlay Districts

- RIO - 1
- RIO - 2
- RIO - 3
- RIO - 4
- RIO - 5
- RIO - 6



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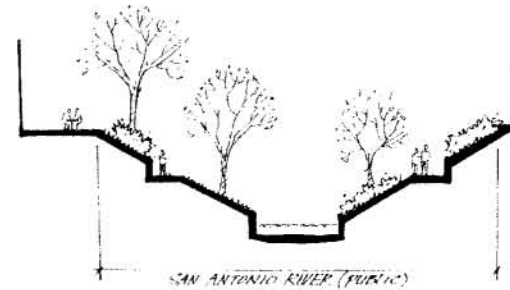
RIO Districts

Site Conditions and Cross Sections

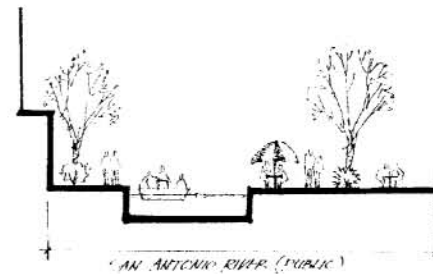
RIO 1



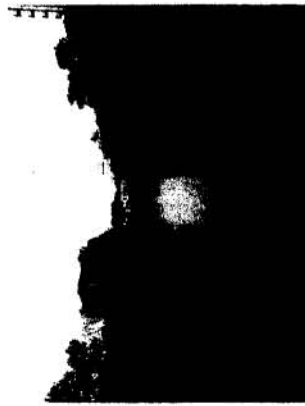
RIO 2



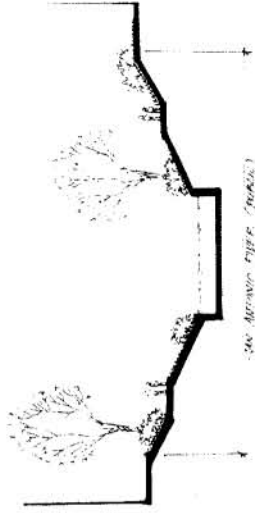
RIO 3



RIO Districts Site Conditions and Cross Sections



RIO 4



RIO 5



RIO 6



Amending Appendix A to the UDC
Definitions & Rules of Interpretation
Adding Formula Restaurant Definition

Formula Restaurant: A Food Service Establishment that, along with nine or more other Food Service Establishments, is operated or would be operated upon its opening for business:

- A. Pursuant to a contract or other arrangement that requires one or more of the following:
1. Standardized décor, architectural design, signage or similar features;

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Amending Appendix A to the UDC
Definitions & Rules of Interpretation
Adding Formula Restaurant Definition

A. Continued

2. Standardized uniforms for servers;
3. Standardized menu;
4. Limitations on use of suppliers to pre-approved suppliers;
5. Common use of name, trademarks, or service marks with other Food Service Establishments; or

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**Amending Appendix A to the UDC
Definitions & Rules of Interpretation
Adding Formula Restaurant Definition**

- B. Under a format that causes the Food Service Establishment to be substantially identical to at least nine other Food Service Establishments taking into account the factors set out in A, 1-5, above, regardless of ownership or location

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Amending Chapter 35-338

- The term "San Antonio River", for the purposes of this section shall mean the area within the public property lines that includes:
 - the bed and banks of the San Antonio River
 - the river extension to Rivercenter Mall and the Henry B. Gonzalez Convention Center
 - the flood by-pass channel that connects the north and south bends of the Riverwalk
 - and any sidewalk, walkways, patios, hiking or biking trails which abut the San Antonio River, the extension or the bypass channel

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Amending Chapter 35-338

- Prohibits Formula Restaurant Use within RIO-3 (Historic Riverwalk) District if:
 - the property is adjacent to the San Antonio River
 - has direct access to the San Antonio River, or
 - if any portion of a structure or building extends above and is adjacent to the San Antonio River, or
- Existing formula restaurants within RIO 3 District shall have non-conforming rights

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Amending Chapter 35-338

- Prohibits any Food Service Establishment use within RIO-3 District in which more than 4,000 square feet of space on any single floor consisting of the building footprint plus any adjoining exterior space such as a patio or deck is devoted to dining or eating purposes.
 - With the same limitations as provided for Formula Restaurants

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Amending Chapter 35-338

Prohibits Formula Restaurant use within 500 feet of another Formula Restaurant within RIO-1, RIO-2, RIO-4, RIO-5 and RIO-6 Districts

- if the property is adjacent to the San Antonio River,
- has direct access to the San Antonio River, or
- if any portion of a structure or building extends above and is adjacent to the San Antonio River

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Amending Chapter 35-338

- Formula Restaurant Prohibitions shall not apply if the Food Service Establishment :
 - is set back 100 feet from the property line of the San Antonio River
 - is wholly located within a building primarily devoted to a non-retail use such as a hotel or office, if public access to the Food Service Establishment is limited to an entrance within the building interior and the Food Service Establishment does not have direct pedestrian access to the San Antonio River

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Approvals

- Zoning Commission - May 2, 2006
- City Council Public Hearing and Action - May 18, 2006

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Unified Development Code Amendments Addressing Formula Restaurants in River Improvement Overlay (RIO) Districts

City Council "B" Session
May 3, 2006

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